

# EXHIBIT C

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August 19, 2014

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Counsel:

This is in response to the City Defendants' letter of August 15, 2014 complaining of certain "deficiencies" in Plaintiff's expert disclosure. Plaintiff responds as follows:

- A. Dr. Roy Lubit listed the cases in which he has testified in the past four years on two pages at the end of his CV that was provided August 13, 2014. Further, the fees charged by all of Plaintiff's experts were disclosed in Plaintiff's supplemental disclosure on August 13, 2014.
- B. Dr. Dan Halpren-Ruder has not testified at trial or deposition in the past four year, and his fee was disclosed as above. Dr. Halpren-Ruder reviewed the audio recording of the Home Invasion recorded by Plaintiff at his residence on October 31, 2009, and the Jamaica Hospital chart for Plaintiff. As noted in his report, Dr. Halpren-Ruder also had an interview with Plaintiff.
- C. Dr. Eli Silverman and Dr. John Eterno identified the cases in which they provided testimony in the past four years as part of their CVs included in the

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expert disclosure of August 13, 2014. Their fees were also disclosed in Plaintiff's supplemental disclosure August 13, 2014. With regard to the documents and data reviewed by Drs. Silverman and Eterno in preparing their report, Plaintiff refers City Defendants to the five pages of specific references included in the expert disclosure.

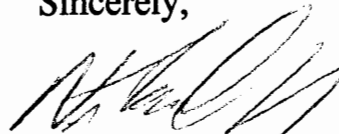
The report of Drs. Silverman and Eterno also cites original research in which survey questionnaires were addressed in 2008 to "all retired members of the Captains Endowment Association," and in 2012 to the "active retiree database" maintained by the NYPD. This research by Drs. Silverman and Eterno was neither designed nor conducted for this case; the survey results are included as supporting documentation for their expert opinion regarding management practices of the NYPD.

Their description of the research methodology and analysis of the responses satisfies the requirement of Rule 26(a)(2)(B)(ii). The NYPD maintains the database of retired officers addressed by the questionnaires. Plaintiff objects to the City Defendants' broad demands for how these experts obtained the list of officers for the survey, notes created by the experts and names of all who assisted in their research is beyond the scope of Rule 26, and designed to harass the experts, not to authenticate their methodology and findings or to obtain relevant expert discovery.

**D. Confidentiality Stipulation**

Confidentiality agreements executed by Drs. Silverman and Eterno are attached.

Sincerely,



Nathaniel B. Smith

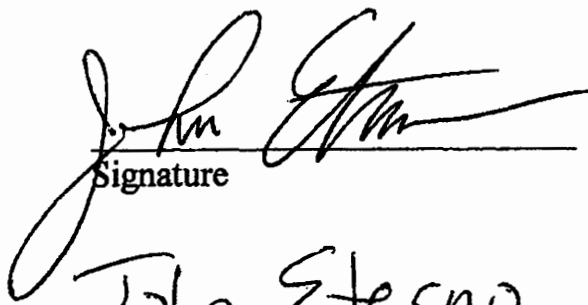
### Expert and Investigator Confidentiality Acknowledgment

The undersign hereby acknowledges that he or she is an investigator and/or expert witness working for and at the direction of plaintiff's counsel in the action title *Schoolcraft v. City of New York, et al.*, 10-CV-4228 (RWS), has read the Stipulation and Protective Order entered in the United States District Court for the Southern District of New York on October 5, 2012 and the Stipulation and Protective Order entered on October 4, 2012, in that action, and understands the terms thereof. The undersigned agrees not to use materials designated "Confidential Materials" for any purpose other than in connection with the prosecution or defense of this case and not to disclose the Confidential Materials, except in reports or testimony taken in this case or other materials attached to motions, affidavits, or declarations submitted to the Court, which have been redacted in accordance with said Orders.

Date

8/4/14

Signature



Print Name

John Eterno

Occupation

Professor

**Expert and Investigator Confidentiality Acknowledgment**

The undersign hereby acknowledges that he or she is an investigator and/or expert witness working for and at the direction of plaintiff's counsel in the action title *Schoolcraft v. City of New York, et al.*, 10-CV-4228 (RWS), has read the Stipulation and Protective Order entered in the United States District Court for the Southern District of New York on October 5, 2012 and the Stipulation and Protective Order entered on October 4, 2012, in that action, and understands the terms thereof. The undersigned agrees not to use materials designated "Confidential Materials" for any purpose other than in connection with the prosecution or defense of this case and not to disclose the Confidential Materials, except in reports or testimony taken in this case or other materials attached to motions, affidavits, or declarations submitted to the Court, which have been redacted in accordance with said Orders.

Date August 4 2014

E. B. Silverman  
Signature

E. B. Silverman  
Print Name

Criminal Justice Consultant  
Occupation